

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**ROBERT BARNARD and BRYAN
AHRENS, on Behalf of Themselves and on
Behalf of All Others Similarly Situated,
Plaintiffs,**

V.

**INTERTEK USA INC D/B/A INTERTEK
CALEB BRETT,
Defendant.**

CIVIL ACTION NO. 4:11-cv-02198

JURY TRIAL DEMANDED

ORDER GRANTING APPROVAL OF SETTLEMENT AGREEMENT

The Court has reviewed the parties Joint Motion for Approval of Settlement and all of the exhibits attached thereto, including the terms of the settlement agreement which were filed under seal. In the Plaintiffs' live Complaint, they alleged that the defendant violated the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 201 et seq., by failing to pay the correct amount of overtime for hours worked in excess of forty hours in a workweek. The case was certified as a collective action and notice issued. More than 300 individuals filed consents to join the action and remain part of this action. The parties have jointly moved for approval of a settlement agreement and to enter an order dismissing this case.

The FLSA provides that “any employer who violates the provisions of section 206 or 207 of this title shall be liable to the employee ... affected in the amount of unpaid wages, or their unpaid overtime compensation, as the case may be” 29 U.S.C. § 216(b). FLSA claims may be compromised after the court reviews and approves a settlement in a private action for back wages under 29 U.S.C. § 216(b). *Lynn’s Food Stores, Inc. v. United States, U.S. Dep’t of Labor*, 679

F.2d 350, 1353 (11th Cir.1982). If the settlement reflects “a reasonable compromise over issues,” the court may approve it. *Id.* at 1354.

In this case, there are genuine disputes over whether defendant violated the FLSA and the amount, if any, of overtime pay due. This court has reviewed the settlement agreement and finds that the amount to be paid to the plaintiffs and the amount of attorney's fees and expenses provided for in the settlement agreement are fair and reasonable. This court approves the proposed settlement as a fair and reasonable compromise of a bona fide dispute under the FLSA. The motion for approval is granted.

SIGNED in Houston, Texas on this _____ day of _____, 2014.

THE HONORABLE SIM LAKE
UNITED STATE DISTRICT JUDGE